

AMENDED IN ASSEMBLY APRIL 27, 2004
AMENDED IN ASSEMBLY MARCH 23, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 2715

Introduced by Assembly Member Reyes

February 20, 2004

An act to add Chapter 33 (commencing with Section 22949) to Division 8 of the Business and Professions Code, relating to telemarketing.

LEGISLATIVE COUNSEL'S DIGEST

AB 2715, as amended, Reyes. Telemarketing.

Existing law provides for regulation of telephonic sellers.

This bill would require a customer services employee of a customer sales call center or a customer service telephone bank, as defined, to disclose at the beginning of a telephone call, ~~prior to requesting personal identifying information~~, whether the employee is in a call center or telephone bank located outside of the United States and whether the call is being monitored or will be reviewed by a person located outside of the United States. *The bill would also require a telephone call that involves a customer services employee in a call center or telephone bank located outside of the United States and that requires a disclosure of personal identifying information from a California resident, to be rerouted, upon request, to a customer services employee in the United States. The bill would require the customer services employee to disclose to the California resident that he or she may request that the call be rerouted.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Chapter 33 (commencing with Section 22949)
is added to Division 8 of the Business and Professions Code, to
read:

CHAPTER 33. CUSTOMER SALES CALL CENTERS AND SERVICE
TELEPHONE BANKS

22949. As used in this chapter, the following terms have the
following meanings:

(a) “Customer sales call center” means an entity whose
primary purpose includes the initiation or receiving of telephonic
communications on behalf of any person for the purpose of
initiating sales, including acting as a telephone solicitor and
making telephone solicitations, as defined in Section 17592.

(b) “Customer service telephone bank” means an entity whose
primary purpose includes the initiation or receiving of telephonic
communications on behalf of any person for the purposes of
providing or receiving services or information necessary in
connection with the providing of services or other benefits.

(c) “Customer services employee” means a person employed
by, or working on behalf of, a customer sales call center or a
customer service telephone bank.

(d) “Personal identifying information” means a person’s
name, address, telephone number, driver’s license number, social
security number, place of employment, employee identification
number, mother’s maiden name, demand deposit account number,
savings account number, or credit card number.

22949.1. A customer services employee who makes a
telephone call to a California resident ~~shall disclose or receives a~~
~~telephone call from a California resident shall do all of the~~
following:

(a) ~~Disclose to a call recipient or to a caller the following~~
~~information at the beginning of each telephone call, prior to~~
~~requesting any personal identifying information:~~

~~(a) If of each telephone call:~~

1 (1) ~~Whether the customer services employee who is making the~~
2 ~~telephone call~~ is in a customer sales call center or customer service
3 telephone bank located outside of the United States. *If the*
4 *customer services employee is in a customer sales call center or*
5 *customer service telephone bank located outside of the United*
6 *States, the customer services employee shall also disclose that, if*
7 *the call requires the disclosure of personal identifying information,*
8 *the California resident may request that the call be rerouted to a*
9 *customer call center or customer service telephone bank located*
10 *in the United States, to speak with a customer service employee*
11 *located in the United States.*

12 ~~(b) If~~

13 (2) *Whether the call is being monitored or will be reviewed by*
14 *a person located outside of the United States.*

15 (b) *Upon request, a customer services employee in a customer*
16 *sales call center or customer service telephone bank located*
17 *outside of the United States shall reroute a call requiring the*
18 *disclosure of personal identifying information from a California*
19 *resident to a customer sales call center or customer service*
20 *telephone bank located in the United States, to enable the*
21 *California resident to speak with a customer service employee*
22 *located in the United States.*

